Prob 12C Amended 2
(Rev. 3/06 D/HI)

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

for the

DISTRICT OF HAWAII

JUN 2 8 2006

at ⎯2⎯ o'clock and ⎯55⎯ min ⎯ P⎯ M
SUE BEITIA, CLERK

U.S.A. vs. YUSUF SAMORI   Docket No. CR 02-00475SOM-01

AMENDED REQUEST FOR COURSE OF ACTION
(Statement of Alleged Violations of Supervised Release)

COMES NOW FRANK M. CONDELLO, II, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of YUSUF SAMORI, who was placed on supervision by the Honorable Susan Oki Mollway, sitting in the Court at Honolulu, Hawaii, on the 25th day of August 2003, who fixed the period of supervision at three (3) years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

1. That the defendant participate in a substance abuse or alcohol treatment program, which may include drug testing, or alcohol testing, at the discretion and direction of the Probation Office.

2. That the defendant is prohibited from possessing any illegal or dangerous weapons.

3. That the defendant provide the Probation Office access to any requested financial information.

4. That the defendant participate in a mental health program at the discretion and direction of the Probation Office.

5. The defendant shall cooperate in the collection of DNA as directed by the Probation Officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Alleged Violation(s) of Supervised Release

That the Petition for Request for Action dated 6/23/2006 and filed on 6/26/2006 include the following additional violation:

5. The subject's urine specimen of 6/16/2006 tested positive for marijuana, in violation of Standard Condition No. 7 and the General Condition.

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Based on the above, the U.S. Probation Officer recommends that the Request for Action dated 6/23/2006 and filed on 6/26/2006 be amended to include the additional violation(s).
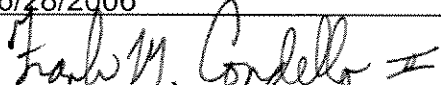
PRAYING THAT THE COURT WILL ORDER ONE OF THE FOLLOWING COURSES OF ACTION:

[X] That the Request for Course of Action dated 6/23/2006 and filed on 6/26/2006 be amended to include the additional violation and that the subject be brought before the Court to show cause why supervision should not be revoked.

[ ] Other

I declare under penalty of perjury that the foregoing is true and correct

Executed on 6/28/2006

FRANK M. CONDELLO, II
U.S. Probation Officer

Approved by:

TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

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ORDER OF COURT

THE COURT ORDERS that the Request for Course of Action dated 6/23/2006 and filed on 6/26/2006 be amended to include the additional violation and that the subject be brought before the Court to show cause why supervision should not be revoked.

Considered and ordered this 28th day of June, 2006, and ordered filed and made a part of the records in the above case.
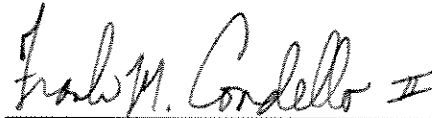
SUSAN OKI MOLLWAY
U.S. District Judge

Re: **SAMORI, Yusuf**
       Criminal No. CR 02-00475SOM-01
       REVOCATION OF SUPERVISED RELEASE

STATEMENT OF FACTS

      Violation No. 1 makes mention that on 6/16/2006, this officer conducted a home inspection at the subject's residence and he was instructed to provide a urine specimen, which was tested with a non-instrumented drug testing (NIDT) device. The subject's urine specimen was presumptively positive for marijuana. The subject denied any additional marijuana use. At the time of our original petition to the Court, our office had not yet received the confirmation test from the laboratory. Our office received confirmation on 6/26/2006 that the subject's urine specimen taken on 6/16/2006 was positive for marijuana.

      It should be noted that the subject submitted a urine specimen at Freedom Recovery Services (FRS) on 6/7/2006 which tested negative for any illicit drugs. This would appear to indicate that the subject's positive tests for marijuana on 5/22/2006 and 6/16/2006 were a result of different periods of marijuana use.

Respectfully submitted by,

FRANK M. CONDELLO, II
U.S. Probation Officer

Approved by:

TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

FMC/dck